

REMARKS

This responds to the Final Office Action mailed on May 30, 2008.

Claims 1, 4, 10, 14, 24, 27, and 29 are amended, claim 19 is canceled, and no claims are added; as a result, claims 1-12, 14-18, 20-43 and 51-65 remain pending in this application. Support for the amendments may be found throughout the specification, and at least on page 20 of the specification. Applicant respectfully submits that no new matter has been introduced with the amendments.

Information Disclosure Statement

Applicants submitted a Supplemental Information Disclosure Statement and a 1449 Form on July 26, 2005. Applicants received a signed copy of the 1449 form with the Office Action mailed May 17, 2007. However, the Examiner did not initial one foreign reference submitted on the Information Disclosure Statement, PCT Patent Application WO-04004855A1 to Jean-Marie Gatto. Applicants respectfully request that a copy of the 1449 Form be returned to Applicants' Representatives to indicate that the Gatto reference has been considered by the Examiner.

§103 Rejection of the Claims

Claims 1-12, 14-17 and 19-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2001/0044339 to Cordero et al. (Cordero) in view of U.S. Publication No. 2006/0059253 to Goodman et al. (Goodman). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

Applicant respectfully submits that the claims recite elements not found in the combination of Cordero and Goodman. For example, independent claim 1 as amended recites that "the integrity apparatus is further operable to gather forensic data in response to detecting the deviations." Independent claims 10, 14, 24, 27, and 29 as amended recite similar language. Applicant has reviewed Cordero and Goodman and can find no teaching or suggestion of an integrity apparatus that gathers and preserves forensic data (e.g. audit logs, system snapshots etc.) that aid in preserving the system state to aid in determining what was happening at the time a deviation in a baseline is detected. As a result, claims 1, 10, 14, 24, 27 and 29 recite elements that are not found in either Cordero or Goodman. Thus there are differences between claims 1, 10, 14, 24, 27 and 29 and the combination of Cordero and Goodman. Therefore claims 1, 10, 14, 24, 27 and 29 are not obvious in view of the combination. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 10, 14, 24, 27 and 29.

Additionally, independent claim 4 as amended recites that "the gaming information is selected based on a regulatory jurisdiction for the gaming apparatus." Applicant has reviewed Cordero and Goodman and can find no teaching or suggestion of selecting files or information to monitor for deviations based on any criteria, and further can find no teaching or suggestion of selecting files or information to monitor based on a jurisdiction. Thus neither Cordero nor Goodman, alone or in combination, teach or suggest each and every element of Applicant's

claim 4. Therefore claim 4 is not obvious in view of the combination of Cordero and Goodman. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 4.

Claims 2-3 depend from claim 1, claims 5-9 depend from claim 4, claims 11-12 depend from claim 10, claims 15-17 and 20-23 depend from claim 14, claims 25-26 depend from claim 24, claim 28 depends from claim 27 and claims 30-50 depend from claim 29. Each of these dependent claims inherits the elements of their respective base claims, and each is therefore allowable for at least the reasons discussed above regarding their respective base claims.

Claims 18 and 51-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2001/0044339 to Cordero et al. (Cordero) and U.S. Publication No. 2006/0059253 to Goodman et al. (Goodman) further in view of U.S. Patent No. 6,468,155 of Zucker et al. (Zucker). Each of claims 18, 51, 53-56, 58-61 and 63-65 depend from a claim that recites gathering forensic data in response to detecting a deviation from a gaming information baseline. As discussed above, neither Cordero nor Goodman teach or suggest gathering forensic data. Further, Applicant has reviewed Zucker and can find no teaching or suggestion of gathering forensic data in response to detecting a deviation from a gaming information baseline. Therefore claims 18, 51, 53-56, 58-61 and 63-65 include, through inheritance, elements not found in any combination of Cordero, Goodman and Zucker. Thus there are differences between claims 18, 51, 53-56, 58-61 and 63-65 and the combination. As a result, claims 18, 51, 53-56, 58-61 and 63-65 are not obvious in view of the combination of Cordero, Goodman and Zucker. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 18, 51, 53-56, 58-61 and 63-65.

Claims 52, 57 and 62 each depend from claim 4 and therefore include elements directed to detection of deviations in a baseline of gaming information that is selected according to a regulatory jurisdiction. As discussed above, neither Cordero nor Goodman teach or suggest gathering forensic data. Further, Applicant has reviewed Zucker and can find no teaching or suggestion of detecting deviations from a baseline of gaming information that is selected according to a regulatory jurisdiction. Therefore claims 52, 57 and 62 include, through inheritance, elements not found in any combination of Cordero, Goodman and Zucker. Thus there are differences between claims 52, 57 and 62 and the combination. As a result, claims 52,

57 and 62 are not obvious in view of the combination of Cordero, Goodman and Zucker.

Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 52, 57 and 62.

Additionally, claims 51-55 each recite that “if the integrity apparatus determines that the detected deviations are valid, the integrity apparatus is operable to report the detected deviations for acceptance and associated update of the baseline state, and wherein if the integrity apparatus determines that the detected deviations are not valid, the integrity apparatus is operable to report the detected deviations for remedial action to return the gaming information to the baseline state.” The Office Action correctly states that Cordero as modified by Goodman fails to teach the recited language. However, the Office Action attempts to remedy the deficiency in Cordero and Goodman by stating that Zucker teaches the recited language at column 9, lines 30-36. Applicant respectfully disagrees with this interpretation of Zucker. The cited portion of Zucker merely indicates that a game design may be tested to determine the skill level required for the game and whether the game is vulnerable to “automated players” or susceptible to multiple payouts. Nothing in the cited section, nor in Zucker as a whole, teaches or suggests detecting deviations from a baseline of gaming information including files and configurations. Instead, Zucker determines if a game requires a different skill level than is desirable, if a game is susceptible to “automated” players, or if a game makes too many payouts. Further, Zucker does not teach or suggest modifying the baseline game information if a detected deviation from a previous baseline is accepted as valid. In view of the above, claims 51-55 recite elements not found in the combination of Cordero, Goodman and Zucker. Therefore claims 51-55 are not obvious in view of the combination.

Additionally, claims 56-60 recite that “the integrity apparatus includes one or more vulnerability assessment scanners operable to check settings of the gaming terminal and to determine whether the settings are consistent with a pre-selected gaming security policy.” As discussed above, Zucker is directed to monitoring game play to determine if the design of a game makes it susceptible to automated players, too many payouts or inappropriate skill levels, it does not teach checking the settings of a gaming terminal and does not determine if the settings are consistent with a gaming security policy. Risk management in Zucker appears to be related to the risk of undesirable large or too many payouts. It is not related to the security of the game or

gaming terminal. In view of the above, claims 56-60 recite elements not found in the combination of Cordero, Goodman and Zucker. Therefore claims 56-60 are not obvious in view of the combination.

CONCLUSION

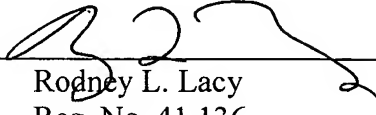
Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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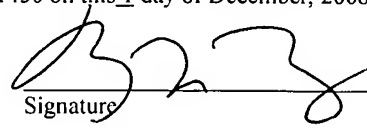
Date December 1, 2008

By 
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Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1 day of December, 2008.

Rodney L. Lacy

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